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DOLE FOOD COMPANY, INC.,
8 DOLE PACKAGED FOODS, LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHAD BRAZIL, an individual, on his own behalf and on behalf of all others similarly situated,

Plaintiff,

v.

DOLE FOOD COMPANY, INC.,
DOLE PACKAGED FOODS, LLC,

Defendants.

Case No. CV12-01831 LHK

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO AMENDED
COMPLAINT AND MODIFYING
BRIEFING AND CMC SCHEDULE**

As Amended by the Court

Hearing Date: September 20, 2012

Time: 1:30 p.m.

Judge: Hon. Lucy H. Koh

Action Filed: April 11, 2012

Plaintiff Chad Brazil (“Plaintiff”), on behalf of himself and all others similarly situated, and Defendants Dole Food Company, Inc. and Dole Packaged Foods, LLC (“Dole” or “Defendants”) through their undersigned counsel, hereby stipulate as follows:

WHEREAS on April 11, 2012 Plaintiff filed a Complaint for Damages, Equitable and Injunctive Relief, which was served on Dole on May 8, 2012;

WHEREAS pursuant to a stipulation providing that Dole could respond to the Complaint on or before June 28, 2012, Dole filed a Motion to Dismiss the Complaint on July 2, 2012 due to ECF failure from June 28, 2012 through July 2, 2012;

WHEREAS rather than responding to Dole's Motion to Dismiss, Plaintiff Brazil filed an Amended Class Action and Representative Action Complaint for Damages, Equitable and Injunctive Relief ("Amended Complaint") on July 23, 2012;

WHEREAS pursuant to Rule 15 of the Federal Rules of Civil Procedure, Dole's response to the Amended Complaint would be due on August 6, 2012;

WHEREAS the Amended Complaint is substantially longer than Plaintiff's original Complaint, as it is now 60 pages with 298 paragraphs and has many additional claims that include at least 5 product lines;

WHEREAS because of the new length and nature of the Amended Complaint and Dole's desire for additional time to assess the new material, the parties have stipulated, subject to Court approval, that Dole's deadline to respond to the Amended Complaint will be August 13, 2012;

WHEREAS in order to permit themselves more time to brief the issues raised by Dole's Motion to Dismiss to be filed by August 13, 2012, the parties have agreed, subject to Court approval, that Plaintiff's Opposition to the Motion to Dismiss will be due August 31, 2012, Defendants' Reply to the Opposition will be due September 14, 2012, and Defendants will notice the motion for hearing on September 27, 2012 or as soon thereafter as the matter may be heard by the Court;

WHEREAS the parties agree that in light of the filing of the Amended Complaint and the stipulated briefing and hearing schedule, the Case Management Conference currently scheduled for September 20, 2012 should be rescheduled to coincide with the date for the hearing on the Motion to Dismiss;

IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

1. Defendants will respond to Plaintiff's Amended Complaint no later than August 13, 2012;

- 1 2. Plaintiff will file Opposition papers to the Motion to Dismiss no later than August
- 2 31, 2012;
- 3 3. Defendants will file Reply papers no later than September 14, 2012;
- 4 4. Defendants will notice the Motion to Dismiss for hearing on September 27, 2012;
- 5 5. The initial Case Management Conference will be held on the date of the hearing.

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7 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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1 Dated: July 26, 2012

WILLIAM L. STERN
WILLIAM F. TARANTINO
CLAUDIA M. VETESI
MORRISON & FOERSTER LLP

4 By: /s/ William L. Stern
5 WILLIAM L. STERN

6 Attorneys for Defendants
7 DOLE FOOD COMPANY, INC.,
DOLE PACKAGED FOODS, LLC

8 Dated: July 26, 2012

9 Ben F. Pierce Gore (SBN 128515)
10 PRATT & ASSOCIATES
11 1901 S. Bascom Avenue, Suite 350
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12 By: /s/ Ben F. Pierce Gore
BEN F. PIERCE GORE

13 Attorneys for Plaintiff

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ECF ATTESTATION

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO AMENDED COMPLAINT AND MODIFYING BRIEFING AND CMC SCHEDULE.** In compliance with General Order 45, X.B., I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: July 26, 2012

WILLIAM L. STERN
WILLIAM F. TARANTINO
CLAUDIA M. VETESI
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

[PROPOSED] ORDER

In light of the parties' stipulation extending time to respond to Plaintiff's Amended Complaint, Defendant's Motion to Dismiss the original Complaint (ECF No. 16) is DENIED as moot. The Court further orders:

1. Defendants will respond to Plaintiff's Amended Complaint no later than August 13, 2012;
2. Plaintiff will file Opposition papers to the Motion to Dismiss no later than August 31, 2012;
3. Defendants will file Reply papers no later than September 14, 2012;
4. Defendants will obtain the next available hearing date from Courtroom Deputy Martha Parker Brown and will notice the Motion to Dismiss for hearing on that date;
5. The initial Case Management Conference will be held on the date of the hearing.

IT IS SO ORDERED.

DATED: July 27, 2012

Lucy H. Koh
LUCY H. KOH
United States District Judge